

REMARKS

By the above amendments, the specification and claim 1 have been amended and a new claim 18 has been added. In view of these actions and the following remarks, reconsideration of this application is requested.

Claims 1-17 were rejected under 35 USC§ 112 as being indefinite due to the "such as" phrase in claim 1. However, since this phrase has been removed from claim 1, this rejection should be withdrawn and such action is requested.

Claims 1-17 were also rejected under 35 USC§ 103 as being unpatentable over the combined teachings of the Jensen et al. (Jensen) and Ketels references. However, to the extent that this reject relates to the claims as now presented, it should be withdrawn for the following reasons.

As recognized by the Examiner, Jensen discloses a food cutting apparatus that lacks the conveying arrangement of the present invention, Jensen's conveyors having conventional horizontal conveying surfaces. For this reason, the Examiner has cited the Ketels patent as making it obvious to use a pair of mutually angularly inclined conveyors in Jensen's apparatus without indicated whether it is proposed to do so in place of the conveyors 3a, 3b or the single convey 2. But, since the Examiner contends that applicants "conveying means (4) for transporting the product from the scanning means to the cutting means" is rendered obvious by such a conveying means, and the corresponding conveying means of Jensen is his pair of conveyors 3a, 3b, which run from the scanning means 7 to the cutting means 13, it is assumed that it is Jensen's pair of conveys that the Examiner believes to be obvious to replace with Ketels' conveying means. However, applicants submit that it would not be obvious to replace the pair of conveyors 3a, 3b with the conveying arrangement of Ketels, and even if such were to be done, it would not result in the present invention.

First, it is pointed out that Ketels' arrangement is specifically designed for use with whole fish that have been decapitated, is not used during the cutting process, and his transfer arrangement is not merely comprised of a pair of mutually angularly inclined conveyors, but also includes a support elements 2.3 that are positioned between the conveyors 2.1 and is needed to support the fish from falling out from between the conveyors as well as to counterbalance the force applied by the pressing element. Thus, on the one hand, Ketels's

conveying arrangement is unsuitable for Jensen's purposes, and on the other hand is different from that presently claimed.

In particular, Jensen's conveyors 3a, 3b, are intended to separately convey the longitudinally subdivided food products 6a, 6b, to a transverse cutting device 13 which further subdivides at respective portioning lines 11 that are not the same for each of the longitudinally subdivided food products 6a, 6b, requiring the two conveyors to travel at different speeds, all of which is apparent from Fig. 2 and the description thereof. This would be impossible if the conveying arrangement of Ketels were to be used in place of the conveyors 3a, 3b, because Ketels' conveying arrangement would cause the two longitudinally subdivides parts of the food product to fall together onto the supports 2.3 and would prevent them from being separately conveyed and subdivided transversely.

On the other hand, even if Ketels' conveying arrangement could some how be used in Jensen's apparatus, the fact would remain that, due to the presence of support elements 2.3 between the conveying surfaces 2.1, there are no upper conveying surfaces that are "angled relative to each other with adjacent edges of the upper conveying surfaces being in proximity to each other," i.e., Ketels' conveying surfaces 2.1 are not "adjacent" as is the case for the conveyors of the present application which, therefore, require no support elements of the type required by Ketels.

Therefore, not only is the proposed combination of the Jensen and Ketels references unobvious, but any resulting device would be different from that claimed, so that reconsideration and withdrawal of the § 103 rejection based upon these references is in order and is requested.

New claim 18 is directed to the embodiment shown in Fig. 9 in which "the conveying means comprises at least one conveyor unit having a conveyor belt which is turned into a U-shape in a direction traverse to the conveying direction, laterally outer edge portions of the conveyor belt being supported on oppositely angled sets of rollers." No such arrangement is disclosed or even remotely suggested by the prior art cited by the Examiner. Thus, claim 18 should also be found to be patentable in the absence of any new and more pertinent prior art being discovered.

The references that have been cited but not applied by the Examiner have been taken into consideration. However, since these references were not found to be relevant enough by the

Examiner to apply against the original claims, no detailed comments thereon are believed to be warranted at this time.

While this application should now be in condition for allowance, in the event that any issues should remain after consideration of this response which could be addressed through discussions with the undersigned, then the Examiner is requested to contact the undersigned by telephone for that purpose.

Lastly, accompanying this response is a request for extension of time petition and authorization to charge same to the deposit account of the undersigned's firm. However, should this extension of time petition become separated from this Amendment, then it is requested that this Amendment be construed as containing such a petition and the fee therefore should be charged to Deposit Account No. 50-2478(742113-34).

Respectfully submitted,



David S. Safran
Registration No. 27,997

Customer No. 25570

Roberts Mlotkowski & Hobbes P.C.
P.O. Box 10064
McLean, VA 22102

Direct Telephone: (703) 584-3273

DSS:kmm